

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

IN RE: Bard IVC Filters Products Liability  
Litigation,

No. MDL 15-02641-PHX-DGC

Sherr-Una Booker, an individual,  
Plaintiff,

No. CV-16-00474-PHX-DGC

v.

**ORDER**

C. R. Bard, Inc., a New Jersey corporation;  
and Bard Peripheral Vascular, Inc., an  
Arizona corporation,  
Defendants.

The parties have submitted deposition excerpts for the Court's review. This order includes the Court's ruling on objections contained in some of these excerpts. The order will identify objections by the number of the deposition page on which they appear. If more than one objection appears on a page, the order will identify the line on which the objection starts. Where an objection is sustained, the order will identify the page and lines that should be omitted, but if no lines are identified, the objection is sustained with respect to all designated testimony on that page.

A. Dr. John DeFord.

1. 20 – overruled.

2. 103:17-20 – sustained. Answer to this question not designated.

- 1           3.     106:3-7 – sustained.
- 2           4.     117 – overruled.
- 3           5.     120 – overruled.
- 4           6.     121 – overruled.
- 5           7.     129 – overruled.
- 6           8.     130 – overruled.
- 7           9.     133:7 – overruled.
- 8           10.    133:20 – overruled.
- 9           11.    135 – overruled.
- 10          12.    138 – overruled.
- 11          13.    139 – overruled.
- 12          14.    237 – overruled.
- 13          15.    238 – overruled.

14           Note: The Court has overruled a number of objections to the witness giving  
 15 narrative or nonresponsive answers. The Court has done so because the questioner often  
 16 asked lengthy, fact-laden questions, and engaged in a dialogue with the witness; the  
 17 questioner generally did not ask focused questions or seek focused answers, and never  
 18 objected to the form of the answers as nonresponsive; and objections to the form of  
 19 answers are waived if not made during the deposition. *See* Fed. R. Civ. P. 32(d)(3)(B).

20       B.     Dr. Spyros William Stavropoulos.

- 21           1.     49 – overruled.
- 22           2.     51 – overruled.
- 23           3.     57 – overruled.
- 24           4.     63 – overruled.
- 25           5.     64 – overruled.
- 26           6.     149 – overruled.
- 27           7.     195 – overruled.
- 28           8.     198 – overruled.

1           Note: The Court overruled a number of objections to allegedly non-disclosed  
2 expert opinions because the questions generally were about the doctor's own practice and  
3 personal experience using IVC filters – matters the Court regards as relevant factual  
4 evidence rather than expert opinion under Rule 702.

5 C. Dr. Scott Trerotola.

6           1. 19 – overruled. The opinion was requested by the question from Plaintiff's  
7 counsel.

8           2. 31 – overruled.

9           3. 77 – overruled.

10          4. 80 – overruled.

11          5. 93 – overruled.

12          6. 94 – overruled.

13          7. 99 – sustained.

14          8. 105 – overruled. The question elicited the opinion.

15          9. 119 – overruled.

16          10. 127 – overruled.

17          11. 128 – overruled.

18          12. 129 – overruled.

19          13. 134 – overruled.

20          14. 135:1 – overruled.

21          15. 135:12 – overruled.

22          16. 177 – overruled.

23          17. 178 – overruled.

24          Dated this 26th day of March, 2018.

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28 David G. Campbell  
United States District Judge